

## WATER COUNCIL MEETING

NH Dept. of Environmental Services  
29 Hazen Dr., Concord, N.H.

June 8, 2011  
9:00 a.m.

**Members present:** Chairman Gilbert, Vice Chairman Christie, Councilors Butler, Czysz, Densberger, Gosse, Hinds, Hoyt, Rastallis, Rawnsley, and Varotsis

**Members absent:** Councilors Barrett, Dupee, Henderson, Harrington, and Lyons

Chairman Gilbert called the meeting to order at 9:00 a.m. The hearing on Ashuelot Pond will not be held today.

### **1. Approval of Minutes of May 11, 2011 Meeting**

- ***Motion made by Councilor Varotsis to approve the minutes as amended, second by Councilor Gosse. Motion passed unanimously with Councilor Hinds abstaining.***

### **2. Status of Appeals**

Peter Demas, DES Attorney, presented an update on the following appeals.

#### **I. New Appeals**

##### **Docket No. 11-08 WC David Riley, et al.**

Re: Lake Waukegan Final Operating Level

Presiding Officer: Not Assigned

Status: Appeal received on May 27, 2011. Council to vote on July 13, 2011 on whether to accept appeal. Possible consolidation with/ 10-09 WC – Lake Waukegan Appeal. Council decided to table until next meeting.

#### **II. Previously pending cases.**

##### **Docket No. 08-29 WC – Silver Lake Association**

Re: 4/29/11 Decision and Order Dismissing Appeal

Presiding Officer: Stephen Densberger

Status: Motion for Rehearing filed on May 24, 2011. Council to vote on whether to order a rehearing or deny the motion( Env.-EC 204.16)).

- ***Councilor Rawnsley made a motion to deny the Motion for Rehearing for failing to state a sufficient basis for rehearing pursuant to Env-WC 204.16(b), second by Councilor Butler. Motion passed unanimously.***

##### **Docket No. 08-54 WC - Loretta Simonds**

RE: 8/8/08 Decision on Request for Reconsideration

Presiding Officer: Christopher Rawnsley

Status: A Pre Hearing Conference(PHC) was scheduled for 6/1/11 at 9 a.m., but no notice was issued. New PHC date needed. A hearing is scheduled for August 10, 2011 at 10:00 a.m.

**Docket Nos. 08-57 & 08-59 WC - Eric W. Waleryszak, Brian T. and Adela J. Griset Appeal**

RE: Notice and Decision on the Determination of Lake Level issued by DES on 9/29/08

Presiding Officer: Christopher Rawnsley

Status: A PHC was scheduled for June 1, 2011 at 10:00 a.m., but no notice was sent. New PHC date needed. A hearing is scheduled for September 14, 2011.

**Docket No. 09-05 WC - North Country Alliance for Balanced Change (Dalton Valley Drag)**

RE: 12/12/08 Alteration of Terrain Permit WPS 8289 for Dalton Valley Drag

Presiding Officer: Christopher Rawnsley

Status: The May status report indicates that "[a] request for status was sent to the parties to respond by the June 8, 2011 Council meeting." It does not appear that such a status request was sent. A request will be sent this month.

**Docket No. 09-14 WC - Andrew and Karen Goldstein**

RE: 3/17/09 Administrative Order No. 09-006 WD

Presiding Officer: Christopher Rawnsley

Status: The parties have reached a settlement agreement. The May status report indicated that "A withdrawal will be filed soon" but the record contains no correspondence after 10/29/10. He will report on this at the next meeting.

**Docket No. 09-34 WC – Ashuelot Pond Association**

RE: 8/28/09 Notice of Decision on Determination of Lake Level for Ashuelot Pond Dam Village District

Presiding Officer: Christopher Rawnsley

Status: A PHC was held on March 29, 2011 at 10:00 a.m. A hearing was scheduled for June 8, 2011. Appellant's request for continuance, assented to by DES, was granted over the Intervenor's Objection. A hearing is now scheduled for 7/13/11. No further notice required.

**Docket No. 10-09 WC – Lake Waukewan**

RE: Notice of Decision, Interim Operating Level issued by DES on 4/12/10

Presiding Officer: Christopher Rawnsley

Status: A PHC is scheduled for May 17, 2011 at 9:00 a.m. A hearing is scheduled for July 13, 2011. PO Rawnsley anticipates consolidating w/ 11-08 WC if accepted. Therefore, continuance of the 7/13 hearing is appropriate. Notice of new hearing date to issue thereafter.

**Docket No. 10-25 WC – Robert Van Dyke and Van Dyke Construction, Inc.**

RE: October 25, 2010 Administrative Order No. 10-042 WD

Presiding Officer: Steve Densberger (unofficial)

Status: The Council accepted the appeal on March 9, 2011. A PHC needs to be scheduled once a presiding officer is officially assigned.

**Docket No. 11-04 WC – Town of Hooksett and Hooksett Sewer Commission**

RE: 3/21/11 Administrative Order, Administrative Order No. 11-010 WD

Presiding Officer: Not Assigned

Recused: Christopher Rawnsley

Status: Appeal received on 4/20/11. On May 11, 2011 the Council voted unanimously to accept appeal. No action required until requested by the parties.

**III. Decision and Orders that need to be written, finalized and issued.****Docket No. 04-18 WC - Thaddeus Dymon**

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)

Presiding Officer: Joel Harrington

Status: A Decision and Order is currently being drafted. Chairman Gilbert and Attorney Demas will review.

**Docket No. 09-24 WC – Lake Sunapee Protective Association**

RE: 4/16/09 Alteration of Terrain Permit WPS-8382

Presiding Officer: Stephen Densberger

Recused Members: Carol Henderson; Johanna Lyons; and Nancy Christie

Status: A decision and order is expected in July.

**Docket No. 11-01 WC – Jean Gagnon Sr.**

RE: Site Specific Application #060705-01 for Terra Firma Real Estate, Brown Hill Rd Phase III

Presiding Officer: Not Assigned

Status: It has been approved and will be sent out as approved.

Councilor Rawnsley, on behalf of the Council, thanked Peter for the work during the transition.

**3. Legislative Update**

Jim Gallagher, Dam Bureau Administrator

Mr. Gallagher spoke for Director Stewart. The legislative tracking list was distributed and HB1 and HB2, budget bills, are the bills of concern now along with SB154. SB154 is in regards to comprehensive shoreland act and an amendment was added in regards to RGGI. They are now in committee of conference.

**4. Other Business**

Councilor Butler asked about the amendments to the 1708 Water Quality Regulations. They may be ready for the next meeting. Mr. Gallagher will check on them and let him know.

Governor Lynch has established a Water Sustainability Commission and as Chairman of the Water Council, Chairman Gilbert has been named the head of the commission. It has been established to ensure that the quality of NH's water resource is better in 25 years than it is today. It will cover groundwater, surface water, infrastructure, dams, wastewater, stormwater, nutrient issues, and more. He is seeking to pull all the findings of the other commissions into an integrated, strategic level vision, for managing water and water issues in the state. They have had 2 meetings to date. Next step is to formulate a vision of what we would like it to look like in 25 years – a working hypothesis. Then identify where and what type of action will be needed. When the working vision is established - then how to get from here to there and also work with the public to respond to the vision and help refine it.

**5. Next Meeting**

Next meeting will be July 13, 2011 at 9 a.m. with the Ashuelot Pond Association hearing at 10 a.m.

**6. Adjournment**

- ***Councilor Butler made a motion to adjourn, second by Councilor Densberger. Motion passed unanimously.***